

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARY MILLER and ANN MILLER,

MEMORANDUM & ORDER
07-CV-5203 (JS) (WDW)

PlaintiffS,

-against-

COUNTY OF NASSAU, et al.,

Defendants.

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APPEARANCES:

For Plaintiff: Mary Miller, Pro Se
Ann Miller, Pro Se
207 W. Broadway
Inwood, NY 11906-1321

For Defendants: Diane C. Petillo, Esq.
Office of the Nassau County Attorney
One West Street
Mineola, NY 11501

SEYBERT, District Judge:

On December 12, 2007, pro se Plaintiffs Mary Miller and Ann Miller, who are frequent filers with this Court, commenced this action against numerous defendants including Nassau County, the Nassau County Police Department and three police officers, the Nassau County District Attorney Kathleen Rice and two of her assistant District Attorneys, HSBC Bank, Five Town Nissan and its principal, ESH Doe, Steve Doe, North Fork Bank, Spring/Nextel and Kelly Devine. Plaintiffs allege numerous civil rights violations pursuant to 42 U.S.C. § 1983.

For over two years, discovery has not progressed

significantly because of Plaintiffs' repeated refusals to cooperate with opposing counsel or to comply with the Orders of Magistrate William D. Wall. Thus, after repeated adjournments and attempts to give Plaintiffs the benefit of the doubt in their non-compliance, Judge Wall warned Plaintiffs that further non-compliance would result in dismissal of their case, with prejudice. Then, on March 11, 2010, having found Plaintiffs non-compliant for the last time, Judge Wall issued a Report and Recommendation ("R&R") recommending dismissal of the action, with prejudice, pursuant to Rules 37 and 41 of the Federal Rules of Civil Procedure. As part of the R&R, Judge Wall warned that any objections were to be filed with the Clerk of the Court within fourteen days of service of the R&R. The time for filing objections has expired, and no party has objected. Accordingly, all objections are hereby deemed to have been waived.

Upon careful review and consideration, the Court ADOPTS the R&R in its entirety. Accordingly, Plaintiffs' Complaint is DISMISSED with prejudice. The Clerk of the Court is directed to mark this matter closed.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: March 30, 2010
Central Islip, New York